

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRENDAN JOHNSTON,

Defendant.

14-CR-404-JMF

EXHIBIT A


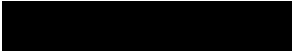
LETTERS SUBMITTED ON BEHALF OF DEFENDANT BRENDAN
JOHNSTON

May 13, 2015

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Brendan Johnston

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Renee Johnston
[REDACTED]

Honorable Jess M. Furman
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Honorable Jesse M. Furman:

I am writing this letter in support of my son, Brendan Johnston. My name is Renee Johnston and I am an Administrative Assistant for a highly rated charter elementary school. I left my career in banking when I had my first child, Brendan, and started working for the local school district when Brendan was in second grade. I chose this career path because the hours were perfect for me to raise my family. Because my husband is a firefighter, his time away from home made it very important to us that both Brendan and his younger sister, Paige, had a support system whenever they were at home. It also gave me the flexibility to be PTA Vice President, Team Mom for their sports teams, and volunteer in their extra curricular activities. It seemed to be, for me, the best of both worlds.

Growing up, Brendan could be cautious and shy. He was a very happy child, but also had some anxiety. If he felt secure with the people around him, he would join in cheerfully, but sometimes be just as content to watch. He has always been a gentle, kind, and selfless child. [REDACTED]

[REDACTED] You see, Brendan tends to avoid confrontation and disappointment. If faced with an uncomfortable situation, he will ignore it and walk away. If he feels it is something that will disappoint us, he will hide it from us. This is exactly what he did when away, alone at college. Brendan was sad, depressed, and dropped all of his classes without saying a word to us. Brendan came home that November. He chose to continue at NAU by taking an online class, at home, over winter break. We told him that if he was successful, he could return to NAU. He received a B in the class and went back. [REDACTED]

[REDACTED] His younger sister, Paige, took the train a few days later to stay with him until I could arrange to fly there myself. [REDACTED]

[REDACTED] I stayed with Brendan for a week and we flew home together for his Spring Break. After those few weeks, he felt better, or so he said, and returned to finish out the semester. He failed all of his classes. [REDACTED]

[REDACTED] It was around this time that he starting working for Blackshades. I can remember him telling me how much he enjoyed working for Alex Yucel, and how Alex would always tell him what a great job he was doing. Brendan was feeling better about himself and I was grateful for the encouragement that he was getting from his employer. Brendan described his job with Blackshades as "support staff" by trouble shooting for their customers. During this time Brendan was taking a few classes a semester at our local community college and continuing to work for Blackshades. Brendan always knew he wanted to work with computers, but not really specific in what capacity. One day Brendan told me that he was extremely interested in following a career path in computer security. I was happy that he now had a goal. As time passed I would periodically ask how school and his job were going. One day Brendan told me he wasn't working for Blackshades any longer and was thinking of starting up his own computer security company with some friends. I felt that so long as he was continuing school and had a goal to focus on, I didn't care if he kept that job with Blackshades. Now it all makes sense to me. He again avoided confrontation, walked away, and hid what happened to him from us. His new career path was chosen because of his own life experience. I surely did not realize the world he was in was so different than the world I grew up in. The people I would cross paths with usually were friends of friends or someone my family already knew. I was never exposed to people the way children are now. Never exposed to people with intent to harm.

Working for a school, I watch how people parent. I despise the fact that this generation of parents loves to blame everyone else for their child's poor behavior. I will not do that for Brendan. We know that Brendan has put himself in a very grave situation. It was because of his naiveté, lack of social experience, and his need to avoid and hide that he is where he is right now. All I can ask from you is kindness and understanding when you sentence my son. Please know, as we do, he never went into this situation with any intent to harm. If there is any chance that you would consider house arrest or probation, I would be grateful. My hope, as it always has been, is that Brendan can continue at Cal State University Channel Islands, grow, mature, and become a successful member of society. I believe that some of the most successful people in their chosen fields are so because of their life experiences: social workers that were once foster children themselves, teachers because of a teacher that inspired them in their educational life, a police officer because they saw injustice in their lives and want to make a difference. I believe this experience has inspired Brendan to make sure it is harder for people like the ones involved in Blackshades to take advantage of people. This is why he has become so passionate about cyber security. I feel that Brendan, too, was taken advantage of. It was in his lowest time of his life that they found him. Brendan now knows how loved he is, how no matter what happens in his life, we will always be there for him to help him through. Even if sentenced, we will help him through this. I just hope you can find

mercy and make sure the punishment he receives is just. It is our wish to continue to make Brendan a successful part of society. Brendan will continue with college and he will continue to go to therapy so that he can learn to deal with conflict and not avoid or hide from life's disappointments. I believe prison is for people that are a threat to society, for people that know what they are doing is illegal, but chose to do it anyway, and for dangerous people - not people who are naïve and have too, been taken advantage of themselves. Please consider leniency for my son, please do not take away his future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Renee Johnston". The ink is dark and the signature is fluid.

Renee Johnston

Edward "Chris" Johnston
[REDACTED]

Honorable Jess M. Furman
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Honorable Jesse M. Furman:

My name is Chris Johnston. I am Brendan Johnston's father. Additionally, I am a 34 year professional Fire Captain, Retirement Fund Trustee and an M.B.A. candidate. Even though my profession kept me from home an inordinate amount of time, I used my varying schedule to remain highly active in my children's lives and volunteered whenever possible in school activities and as a sports coach and administrator.

I wish I could provide an exact answer why my son was involved in this situation. My family was raised in a pro law atmosphere, knowing there were consequences if rules were not adhered to. Up to this point in his life, I know of no trouble regarding the law. Early in my son's life he was a very happy little boy. He was never aggressive or inconsiderate to others. He was an outstanding student and athlete. About the time he entered middle school we began to see changes that were concerning. [REDACTED]

[REDACTED] He was known to his family, friends, neighbors, teachers, fellow athletes and coaches as a friendly, helpful, intelligent and hardworking, but very shy, young man.

Throughout his teens he remained shy and anxious. His friendly and helpful personality and high level of intelligence was forever being hobbled by [REDACTED]. Late in high school he stopped participating in sports. I was able to talk him into applying for a position as a fire cadet. This was a competitive process that I was unable to influence. I was hoping this would be an esteem-building endeavor. He was chosen among many other fine talented high school students. While Brendan was well liked and respected as a hard worker and quick learner, it was communicated to me that his severe shyness was holding him back. During this time period, he also lost a coveted job [REDACTED].

[REDACTED] He did not complete two terms and came home to restart school locally. This period was also during the financial crisis and jobs were difficult to obtain as he was competing with men with families for entry-level jobs.

During this time he began working with the Blackshades organization. At first I was happy he was able to find any type of employment, but was skeptical of the type of work. I had him demonstrate the work he was performing and listened in on an actual customer service call. Since I was unfamiliar with the type of software the company sold, I performed a best possible, but of limited utility, due diligence review to understand the organization. I did not recognize or find any sign of wrongdoing. The company appeared legitimate. I can honestly say that Brendan was very proud of the work he was doing and I was proud that he found work he enjoyed during a very rough spot in his life and the history of our country. I was so happy and proud that I bragged to anyone who would listen. In retrospect, I sincerely wish I had better skills to reveal the sinister type of people he became involved with.

[REDACTED]

[REDACTED] While this has been arduous, he has become self aware of his situation and is fighting to become a good member of society again. He firmly recognizes and is remorseful for the actions he took that placed so many in jeopardy.

Brendan's family stands united in supporting him, willing to act as custodians in conjunction with the court and healthcare providers to turn his life around and ensure such a bad event never again becomes possible. I am hoping the last year has revealed that this young man has the skills, willingness and desire to continue his education and become again a person his family and friends will be proud of. I recognize and accept that punishment for crimes are warranted and ask the court to give us the opportunity to continue Brendan's recovery in the most positive manner possible.

Sincerely,


Chris Johnston

Virginia A. Johnston
[REDACTED]

March 8, 2015

Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United State Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Your Honor

I am Brendan's paternal Grandmother, a retired Real Estate Broker who has lived within 4 miles of Brendan since his birth. I have visited with and had frequent contact with him through out the years, from birth until now. It is with a heavy heart I write to you.

Brendan came to me shortly after he was arrested last year by the FBI. He came to apologize to me for what he believed his action or lack there of would put me and his family through financially and emotionally. We sat down and discussed what had taken place and why he was in the position he was in. He was in shock, confused, and in distress. Once he explained what had transpired, he asked me what to do. He genuinely thought he had done the right thing by quitting the job when he did. My only answer to him was to be as truthful and as honest with authorities as he could be in recalling what you know and remember, anything less would be a disservice to himself and all involved. The authorities are only trying to do their job, which requires them to serve and protect.

As background: Brendan had gone off to college in Arizona the year before, as his parents wanted to give him an opportunity not afforded them when they were younger. I questioned if that was a good idea, as Brendan has always been timid, shy, and introverted. [REDACTED]

[REDACTED] But he was excited, and said, he was ready, so with all our blessings off he went. He had his own apartment, which he loved at first but as time went by, he found himself in a situation he was not prepared to handle. [REDACTED]

He did not do well that semester and asked to return home.

[REDACTED] He believed he had let himself and everyone down, but tried to move on.

It took awhile but I finally started to see a change in him when he got the "job" online. [REDACTED] he was becoming energized, saying, he felt very lucky to have found the job, they believed him to be qualified to handle. He dug in, wanting to prove himself capable. Finally, being home, closer to family and friends his spirit started to lift.

Brendan had always told me he wanted to do computer security work which was his goal upon completing his college education. Getting the "job" made him feel good about himself once again, and he became re-interested in continuing on with his education.

As time went on Brendan started to notice a change in direction the company seemed to be taking. Once he realized where the owner was heading he decide to quit as he did not want to be a part of anything illicit. He thought, if he just quit he would not get paid what was owed him so, he hesitated, planning on making his departure when he got paid money owed him.... and the rest is documented history.

Unfortunately for Brendan he did not report the company or tell anyone else. When we were discussing this after the fact, he asked me, "Who would I have told"? I asked, "who arrested you,...the "FBI". Puzzled he asked, "how would I have gotten hold of them?" I answered, "Try the Internet". Young, naïve, growing up in a protected environment where decisions were always made for him, lack of street smarts, did not afford him the where-with-all at that time to deal with the situation. [REDACTED]

Brendan has always been timid by nature, and sensitive to life around him. As a child he was often afraid of the dark, and any night time creature he imagined there to be. He coped by sharing his bed with his beloved dog Mac. Always, positioned on the inside of the bed backed up to the wall, with Mack guarding the outer side. There Brendan could safely get a peacefully and sound nights sleep, tucked half under and up against Mack's side. Reason for fear: His Dad was often away at night, being a firefighter, his Mother was also an anxious person and fearful of night time hours and being home alone. He was just a child with a child's imagination, all of which created anxiety for him.

Brendan grew up playing sports, even though he was not the best athlete. He was very thin, long limbed and not well coordinated, but always a team player, enjoying the company of his friends and family members attending games.

He could be a little imp at times especially with his sister when he wanted to get her goat, or like when he.... got me to climb up a two by four like a monkey, excited to show me inside of the new tree house his dad built for him, (the ladder not yet completed), giggling and laughing watching me climb.... then becoming distressed when he realized I could

not get down. He went into a panic when he realized I might be stuck up there indefinitely; I was the babysitter, no one else was home to help; and jumping was not an option. Much to his and my eventual relief I managed to shimmy back down that two by four. Later, we both got a stern lecture from his Dad.

He has always been careful, precise, and imaginative. One time he asked me for one of the birds I raised, and with his parent's permission, he excitedly took "Barney" home. When I went to see him next he had built Barney a roller coaster out of K'Nex, that started at the top of his bedroom curtains going down and across the room with a little seat for Barney to ride on, ...which he did. Another time he spent hours building Barney a Ferris wheel, again with a seat for him to hang on to and ride. He took good care of him, when a couple of years later he no longer had the time to spend with and care for him, he asked if I would consider taking him back. He loved him, did not want to give him away, needed to, but wanted to assure he would be cared for. I agreed to do so.

Never, since the day he was born have I seen Brendan do anything that would cause harm to any one or any creature. I have five grandsons, and had seven younger brothers-in-laws. I know boys, the antics they can create, the joys of being around them and the trouble they tend to get into. Brendan has always been the observer, thinker in the crowd. I have never seen him to be malicious nor malcontent. He has always been a gentle, sensitive human being, treating others respectfully, fearful of causing anyone harm. At times I would worry about his naivety, and then reasoned he would grow out of it as he matured and became a part of a more realistic reality.

As a young adult, when his great grandmother was ill, he would visit her in the hospital. Having had training when he was a fire cadet on how to handle injured people, he would help me move, turn or feed her. He would lose his timidity and freely assist when he was confident of what he was doing and sure he would not harm her.

Being malicious or conniving is not part of his persona. Brendan has always been provided for, afforded opportunities and grew up in a protected environment with responsible parents who love him. He was free to grow up as a child, intuitive and creative but street smart he was not.

In hind's sight, Brendan now understands how imperative it was for him to have handled the situation differently and why. He has suffered emotionally, been traumatized by his fear and initial contact with authorities and the judicial system; by the grief he has caused his family and others; and by the knowledge that he did not think outside the box by taking proper action. He is frightened of what the future will bring, and trying to come to terms with it as best he can.

I dearly love Brendan not just because he is my Grandson, but because I deeply respect and admire who he is. He is not perfect, has made a big mistakebut he is a good, decent, honest young man. He did not maliciously set out to harm another. He knows he made a mistake and will have to face an uncertain future. He also knows he has family, and friends who love and respect him, and all who know him well have his back.

Brendan has never been in trouble before, not at school, in sports or with the law. For what it is worth, Your Honor, I am asking you to be realistic and fair in your punishment of him. Call me old fashioned but I would rather see an individual like him, having made a mistake, have to make restitution, by working off his punishment doing something worth while for his community. But then I am not the law, nor do I see what you see from your end of the bench. All I know is the character of the young man you will have before you during sentencing. I admire his openness, sincerity and honesty, and the gentle, kind person I know him to be. I have repeatedly observed and heard his genuine regret, sorrow, and sense of shame regarding this issue. I sincerely believe we as a family let Brendan down by not recognizing his vulnerability in the world, but unfortunately our hind site is not part of the equation.

I am grateful and thank you for taking the time to read this letter. I will not be there during sentencing, but I will be praying for you and for him.

Please feel free to contact me if you have further questions.
May God bless you.

Sincerely



Virginia A. Johnston



Paige Johnston



Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Honorable Jesse M. Furman:

My name is Paige Johnston and I am writing this letter in support of my older brother, Brendan Johnston. I am a 23 year old student, currently finishing out my senior year at California Lutheran University. I am a psychology major and I am absolutely passionate about the subject. My goal with my degree is to further my education and obtain my doctorates degree, and to someday have my own practice focusing on family counseling with an emphasis on children's therapy. In my spare time I work at a local day spa called Me Spa, as a front desk key holder. If given extra time in my schedule, I enjoy picking up other part time second jobs. Though I would possibly consider myself to be a social person, I tend to find myself feeling anxious if I have too much free time and being around people I'm not comfortable with. Working at these jobs and applying myself to my studies gives me a sense of security and a comfortable routine.

My relationship with my older brother is a unique one that others don't have the privilege of having. Not only do I know my brother on a social level, where we grew up with a lot of the same friends, I also know my brother on a more personal level because we were raised together in the privacy of our own home. This has granted me with the ultimate trust between my brother and myself. He can confide in me the things he may feel afraid to tell our parents, or may be too embarrassed to tell his friends. For my entire life, I grew up with my brother 3 feet across the hall from my room. As children, my big brother was always very gentle with me. When we would play together he never "bullied me" as other big brothers might do. He was patient with me if I grew frustrated with games we would play together, and would never speak out if I ever became a little bit of a tyrant during our activities. Regardless of what we were doing, we were always a team. There was one instance when our parents took us to Toy's R us for my birthday to purchase a gameboy, we went to pay for my birthday present and I noticed that my brothers eyes had become watery and he looked upset. I asked him what was wrong and he told me he was disappointed because he thought we were both going to get a gameboy, but he didn't want to say anything to my parents because he didn't want to upset them- so I did. From this point, I have always felt a sense of need to protect my brother from anything and everything that could upset him.

Brendan's shy and sweet personality has not changed in the slightest since we were little. Once we were in high school I would bring home new friends who weren't familiar with Brendan's sheepish personality. They immediately noticed how their presence would make him uncomfortable and would make it a point to give him extra attention, trying to break him out of his shell. Regardless if they made him feel uncomfortable, my brother always went out of his way to make sure we were happy- mainly giving us rides when they asked, even when I knew he didn't want to.

During my first year of college my brother was accepted into NAU and this absolutely terrified me. As we got older I noticed my brother's personality had become more reclusive than ever and the idea of my brother struggling to make new friends while he was alone in a small town broke my heart. This became another situation where I could tell my brother was upset about leaving but didn't want to tell my parents anything in fear of disappointing them. After reluctantly agreeing as a family that this experience may be "good" for Brendan, he packed his things and left. Not too long after, my brother found himself in a very unsettling position with his academic career and could no longer hide it from my parents that he was struggling and was incredibly unhappy in Arizona. Allowing Brendan to finish his time in Arizona, I went out to see him.

[REDACTED]

Even given these circumstances after Brendan's return home he still remained his same sweet self, just incredibly reserved from all of us. We spent time doing things together that I would hope would bring him some happiness back into his life. One weekend, my brother took my friend and I to a rock concert that my parents were weary of me attending because the crowd is known to get very rowdy. At this show, the crowd got into circle and formed what's called a "mosh pit", where the boys go in the middle of the circle and push each other around. Standing a little further back, the three of us cautiously watched everyone in the middle of the circle, and every time someone would fall to the ground (which could potentially leave them severely injured) Brendan would run inside the circle, pick them up and help them out. Brendan's selfless act not only amazed me but also many of the people standing around us.

My brother's heart is by far one of the most unique ones I have had the pleasure of knowing which leaves me completely dumbfounded he has landed in this position. My brother, by no means, has ever been a malicious person and he continues to prove that to all of us on a day to day basis. He goes above and beyond to do small things for our family and never expects anything in return. Though my brother's heart of gold is something to admire, I fear that this has also left him in many uncomfortable positions that has allowed manipulative people to push him around, such as this situation exactly. Though my knowledge of BlackShades is very limited to what has been briefly explained to me, I truly believe that the praise he received from someone he saw as a boss figure gave my brother a sincere sense of purpose after his struggling with self confidence his entire life and especially after his return from NAU. This alone could lead anyone

to naive acts. We all want to feel happy and important, its one of the most essential desires as a human being.

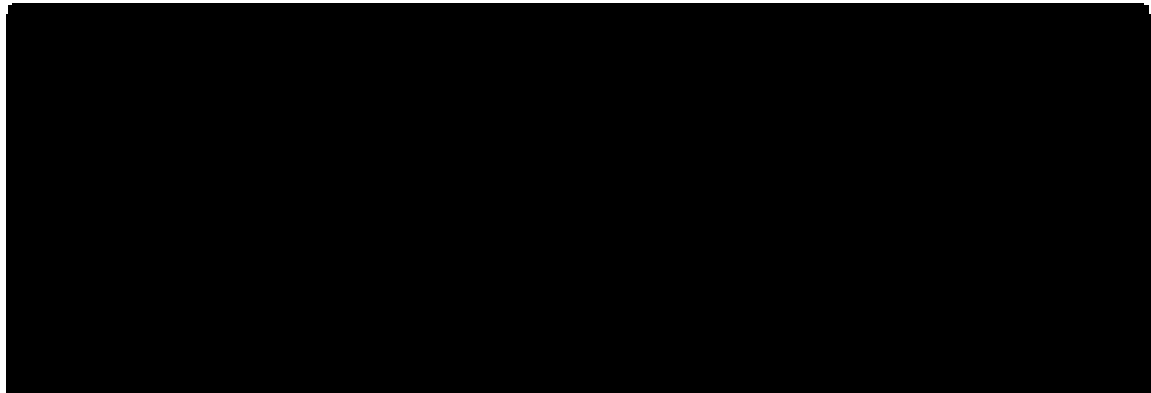
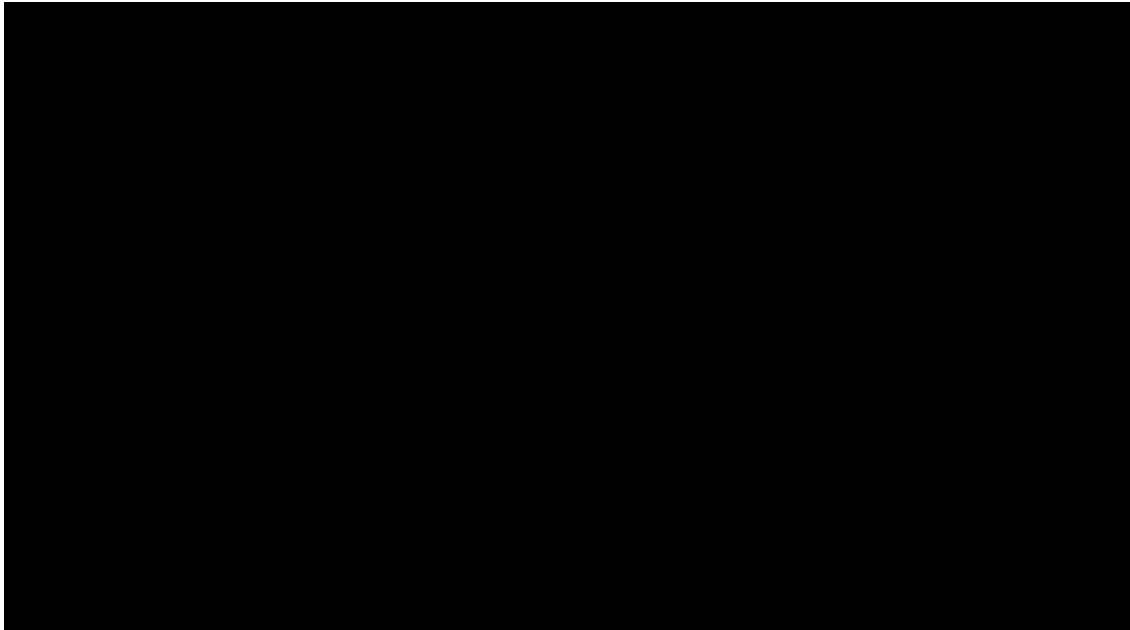
To me I have always been under the impression that prison was intended to protect the society from dangerous criminals while simultaneously "punishing" them for their actions. My brother is not a hostile person, nor would he ever be a threat to any person, animal or thing. Though I haven't reached a graduate level yet, the time I have spent studying psychology I have learned a great deal about human behavior. [REDACTED] I'm not sure as something as severe as prison time would help him as much as it would destroy him completely. However, because my brother has also landed himself in a very foolish position, I also understand that there needs to be consequences to his actions. My plead to you is to take into consideration what kind of person my brother truly is and to help us find a punishment that is best suited for this and his situation. I believe there are many other alternatives that Brendan could be apart of that would not only act as a punishment but would also help shape him into a better person for our society.

Sincerely,

Paige Johnston

A handwritten signature in cursive script, appearing to read "Paige Johnston". The ink is dark and the signature is fluid, with a large initial "P" and a long, sweeping underline.





[REDACTED]

[REDACTED]

Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United State Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

My name is Joanna Truelson. I am an Interfaith Minister, an RN and a Realtor and recently ordained an Deacon with Roman Catholic Women Priest (RCWP.) I am writing on behalf my second nephew, Brendan Johnston. I have known birth since his birth, twenty five years ago. Although I live a distance away (Northern California) I have visited him, his family and my mother quite frequently in the past 30+ years. We have a close family unit despite our physical separation.

I have known Brendan to always be a kind, gentle soul...quiet and shy, always a good listener and very responsive to the duties he performed for his family. His tall stature might lead one to believe he is very demonstrative, but our Brendan is much more of a follower. He always has had a deep sense of integrity, taking his responsibilities seriously by making sure to do what expected without need for praise or accolades. Brendan wanted to please others and without the need for self aggrandizement. His intention to serve others was a sincere effort to foster the good in his work and or project and in others. At family gatherings he would always consider relatives before himself and be sure others received what they needed prior to himself.

I was very proud to see Brendan become so proficient in the tech industry, a trade that appeared to dovetail into his shy personality type. His gift and talents were recognized and apparently he was doing quite well before he became aware of the apparent fraudulent conduct of his company. He immediately quit his job, but did not divulge anything to others. Brendan has never had malicious intent against anyone (even against the perpetrators of these crimes). If he has a weakness it is he is in denial of others wrongdoings. In his intention not to bring

attention to himself he allowed others to take advantage of his good nature and put the blame on him.

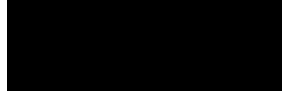
For Brendan to receive a prison sentence for others crimes are a misrepresentation of justice. It would serve no purpose to put anyone in jail if he was not to learn something constructive in the process. Without malicious intent what will this severe punishment achieve or teach my nephew? My fear is that it will break his kind spirit and prevent him from creating the life to which we all aspire. It appears to me, his only mistake was not acknowledging or reporting others malicious conduct and thereby not adequately taking care of himself. I believe he has learned this lesson in the months of suffering this has caused him and his close family. We are all worried about his welfare and emotional, physical and spiritual health. Please in your good judgment see this young boy as one of your own and grant him consideration and pardon for this youthful oversight. To assist in life is to save a life....You are in our prayers with all our family.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Rev. Dr. Joanna Truelson". The signature is fluid and elegant, with a large initial "J" and a long, sweeping underline.

Rev. Dr. Joanna Truelson

Georgia A. Mahan



Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Honorable Jesse M. Furman:

I am writing this letter in support of my nephew, Brendan Johnston. I have been married to Ralph Mahan for 42 years and we are the parents of three grown daughters and grandparents of seven. I have spent the majority of my life raising my children and now devote my time to my family and grandchildren. I have also been involved in community service such as National Charity League and served on the Ventura County Fair Board for 10 years.

Brendan is the oldest child of my youngest sister, Renee. Being the eldest of four sisters and 18 years older than Renee, I have had a more maternal relationship with her than sisterly. She has always come to me for help and advice, especially when concerning her children. Renee was a late bloomer and very much like Brendan in personality – timid, shy, and lacking in self-confidence. In contrast, her husband, Chris, is an assertive man with strong convictions, charitable, and obliging.

While I was not as involved with Brendan's activities as my daughters were, I can say that I have been a close observer of how he was raised. Brendan was a delightful child but painfully shy and withdrawn. He was cautious and wary of all but a few close family members and his small group of childhood friends. As he grew into a young man, he tried very hard to please others. I can remember him trying so hard on his various sports teams but never seeming to feel successful. He was insecure about his abilities but was still willing to try his best to please his friends, coaches, and parents. I can see how Brendan's need to appease others has lent itself to his current situation.

Brendan may be inexperienced and naïve, but he is in no way malicious or deceitful. It goes against his kindhearted, considerate nature. His only fault is in being too conforming and gullible. He has grown up trying to please those in authority.

Brendan has never been a problem and would never intentionally hurt another. I can't imagine a timid young man such as Brendan being able to recover from Federal prison. He is working hard to finish his education and find his place in life. Please, please consider showing my nephew judicial mercy.

Sincerely,

A handwritten signature in cursive script that reads "Georgia Mahan".

Georgia Mahan

Honorable Jesse M. Furman

United States District Judge

Thurgood Marshall

United States Courthouse

40 Foley Square

New York, NY 10007

Re: Brendan Johnston

Honorable Jesse M. Furman:

I am writing this letter in support of my longtime friend, Brendan Johnston. My name is Cole Puente. I am a full time student, but will be receiving my Bachelor's Degree in History this coming May, of 2015, from Cal State University Channel Islands. I also work two jobs. One job is as a server at a local restaurant, which I have worked at for the last four years. My other job is taking care of my 97 year old grandmother, who will be turning 98 this year.

I have known Brendan since kindergarten, which was nearly twenty years ago. The only time we were not at the same school was during junior high, but other than that we have seen each other at every level. We have competed on little league baseball teams together, where his father was the coach. Also, we were longtime neighbors growing up down the street from each other, until I recently moved. His parents have always given him structure and a strong support system, which was clearly evident whenever I would go to his house.

We have grown up together and seen one another's awkward stages, growth spurts, and first crushes. Since we lived only a few houses apart we had countless sleepovers growing up; where we mainly played online video games into the wee hours of the night. Brendan was always better than me at these games. That did not matter to him, as he would gift me countless items that people would sell for real life currency. This is just one example of Brendan's extreme generosity all throughout his life.

Many people that do not know Brendan characterized him as that tall, shy, awkward kid. They would not say that once they sat down with him and had a one-on-one conversation. There was a time, during senior year of high-school, that a teacher had the entire class sing Brendan happy birthday. After the singing was done the teacher brazenly said, "And we wish that one day Brendan will say a word!" I was shocked that a teacher, a role-model, would be so brash in poking fun at a student. It would be understandable if the teacher had a relationship with the student, but this was not the case. After class I went to speak with Brendan about it, but he brushed it off. I was more offended than he.

Brendan has always been smart, but naïve. He sees the good in people and will always give them the benefit of the doubt. He is the type of person to never see an action as malicious. Regarding BlackShades, I did not know what he was doing, but I do know that he enjoyed to work online. One day, I asked him how his internet gig is going and he said that he did not agree

with the direction they were going and that he left. That is the extent of my knowledge to the happenings of BlackShades, other than what has been released by the press. The fact that Brendan left the company over a disagreement is, in my mind, a huge step for Brendan. He stood up for what he believed in.

Brendan is a longtime friend and a kind-hearted, good-natured, soul. I have never seen him harm a fly and his biggest flaw is giving people too much trust. He is a smart man that got involved with the wrong online crowd. He would never willfully cause distress to anyone, and it is very unfortunate that he has found himself in this situation. I have nothing but love and adoration for Brendan, and the entire Johnston family.

A handwritten signature in black ink, appearing to read 'Cole Puente', with a stylized, cursive script.

Cole Puente

CHRIS HEIMERMAN

Hon. Jesse M. Furman
US District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

To the Honorable Jesse M. Furman,

My name is Chris Heimerman. Let me explain who I am, and why I am writing. I am a graduate of the UCLA school of communications, and now a regional manager of nine years with Equinox Fitness, a luxury fitness club, in Los Angeles. I am also family to Brendan Johnson, on my mother's side.

Much of my job involves me reading the character of people, managing the dynamics of engagement between members of my staffs and clients of my clubs, and holding the members of my staff accountable to their actions and their growth. As such, I have strong convictions of personal responsibility and integrity in social settings with a diverse set of individuals, as well as a keen eye for discerning and assessing these qualities. In such observations, I hope you will find thus my candid, and not particularly solicitous assessment of Brendan, wholly truthful and earnest.

Brendan - with whom I had the advantage of spending ample time in my youth and even now in adulthood, occasional circumstance - grew from a bright, but painfully shy boy into an introspective, equally shy man, whose greatest challenge of his years thus far, by my account, is that of finding validation from his peers. He is the sort of person who may very likely be guilty of shortsightedness, and perhaps a tendency toward idleness. He is also the mildest and most non-confrontational person of my acquaintance, and could never be guilty of malice, ruthlessness, or wanton indifference in action which, in considering the severity of the charges laid against him and the equally ponderous consequences of said charges, have left us in this family wondering how much Brendan, an otherwise gentle individual, truly understood of the greater implications of his actions.

I grieve for the injuries to the privacy and well-being of those his actions have affected, and that Brendan had his hand in these actions I do not dispute. But I can not, in good conscience, accept that he did so with the forethought or understanding that underpins not the guilt of the hand, but of the mind. Brendan is more the type whose simpler motivations toward gainful employment in a realm he understood -computer programming - could be easily manipulated and tangled by those with more nefarious intentions, playing on his talents and preying on his desire for validation, leaving him entrenched in the morass of culpability in which he currently finds himself.

I believe in justice, founded in accountability to one's actions. That Brendan should be accountable to his involvement I do not dispute. That such a penance is designed with the intention of restoring the usefulness of an individual like Brendan, though, I cannot fathom, and I implore you to consider more finely. Brendan is an individual whose temperate personality would be precipitously crushed underfoot by the bare, calloused heel of long-term incarceration, leaving a tenebrous human stain where in more reasoned climes his sensitive and insightful nature could be brought not to wilt, but grow in wisdom from his atonement. I would see him repay his social debts to those his involvement has inflicted injury, but in a manner that would leave him a whole man, brought back to the upright nature I know him to espouse.

I thank you for reading my letter, and hope you consider my words a fair context in which to interpret the actions, behavior, and most importantly intent of my cousin in this matter.

Sincerely Yours,

A handwritten signature in cursive script that reads "Chris Heimerman". The signature is written in dark ink and is positioned below the "Sincerely Yours," text.

Chris Heimerman

EXHIBIT A-21

March 13, 2015

• • •

Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall United State Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Dear Honorable Jesse M Furman,

I am writing this letter in support of Brendan Johnston. My name is Robert Heimerman and I am Brendan's retired uncle. I have known Brendan his entire life. I can certainly attest that he is a kind and very considerate young man who does not have a malicious bone in his body. In 2012, I had an illness which temporarily prevented me from driving. Brendan willingly volunteered to drive me both to doctor and dentist appointments while I was recovering. His help was invaluable and very gracious. Brendan is a considerate, polite young man and he stepped up to assist me when his help was most needed and he did so without asking or expecting anything in return. He has always shown himself to be a polite and helpful young man who is very considerate to others and has never acted in a malicious or arrogant manner to anyone. I am proud to write in support of this young man.

Sincerely,

A handwritten signature in cursive script that reads "Robert Heimerman". The signature is written in dark ink and is positioned below the word "Sincerely,".

Robert Heimerman

Heimerman, Scott

Honorable Jesse M. Furman
United States District Judge

Dear Honorable Jesse M. Furman,

My name is Scott Heimerman, and I am a software professional working in the Silicon Valley. I am also Brendan Johnston's cousin. He and I grew up together, played in his backyard together, and became very close friends over the 26 years of life, family and friendship we have shared together. During our childhood, I can honestly say that I grew up closer to Brendan than I did to my own brother, so I hope I can have your confidence in accepting my belief that *'I know Brendan as well as anyone on this Earth'*, and in ways that may be unique and different from some of his friends and our own family.

Brendan makes mistakes. Sometimes, he lacks foresight and fails to understand the circumstances he finds himself in. Brendan is also one of the kindest and gentlest souls I know. At his core, he's a modest, sweet and sensitive young man who avoids conflict and desires social acceptance. From our first sleepover together as kids to today's shared concern for his pending sentence, Brendan has consistently exhibited some of the finest qualities found in another human being.

As I describe Brendan's qualities and reconcile the essence of his being against the magnitude of the charges levied against him, I can't help but feel an obvious and deep concern for his well-being and a desire to understand, "what were you thinking, Brendan?!" It's been a challenge for us to begin to digest the possible consequences his actions have had on the lives and privacy of societies around the globe.

The true purpose of my letter to you today, Your Honor, is to tell you that Brendan's character and being would never allow him to willingly hurt another person. His actions may affect people in ways he might not immediately understand, but I have never seen Brendan try to take advantage of others, harm his family, or otherwise even consider inflicting malice upon another living being.

In conclusion, Your Honor, I would do any and everything possible to illustrate the deep and innate sensitivity and kindness of Brendan's character. I earnestly hope that I can provide a context to his actions that may prove useful in limiting his debt to those he's unknowingly harmed, and that The Court may find a way for him to leverage his great qualities and contribute to society.

I love my cousin, and he's earned my defense of his character by being a great person. If I can expand upon any of the information I've provided within this letter, Your Honor, then I'm more than happy to do so.

Thank you for considering my words about Brendan Johnston.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Heimerman", with a long horizontal flourish extending to the right.

-Scott

Heimerman, Scott
Professional Services Sales Manager
Selectica Inc.
3/11/2015

Page 2

April 12, 2015

Your Honorable Jesse M. Furman,

My name is Lisa Coffman-Diegel, my daughter has been a classmate of Brendan Johnston's since 1997 & I have been his hairdresser for the past 10 years.

As you may know, many say your hairdresser is like your therapist. They hear stories about your family, friends, jobs and past times. After, 10 years of spending an uninterrupted hour every 4 weeks with someone, you really get to know them.

With that being said, I have always viewed Brendan as respectful, he never swears or gossips. He is sweet & simple, honest & loyal. He would go out of his way to help a friend. He is awkwardly shy, yet open with his thoughts when he is comfortable in his environment. I would describe Brendan as the "Gentlest of Giants". He knows right from wrong and was raised accordingly. He is non confrontational and has had a hard time speaking up even when he didn't like his haircut. If he has a flaw, it would be that he doesn't appear to be mature & assertive for his age, which as an adult who knows him well & is not a friend of the family, is my gut wrenching concern.

He would NEVER intentionally hurt anyone or anything. We are talking about a "boy" caught in a situation that he was not familiar with. Because of his nature he did not act accordingly. He does not have the skills to confront, but has the where with all to remove himself from the situation.

My biggest fear for him is that his sentencing would be permanently emotionally damaging for him to be incarcerated with malicious, deceitful & dangerous criminals. Please keep in mind the long term detriment to this kind & gentle soul when sentencing.

Thank you for your time,

A handwritten signature in cursive script that reads "Lisa Coffman-Diegel". The signature is written in dark ink and is positioned below the typed name.

Steven King



Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United State Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Honorable Judge Furman,

My purpose for writing is to attest for Brendan Johnston's exuberant character. I, Steven King, have known Brendan for nearly nine years, with absence of one year, 2012, due to my first year of college. I am currently a full time student at the University of Georgia, studying computer science. My relationship with Brendan is unique in that I have only known Brendan through the Internet, yet I consider him as one of my best friends. To clarify, I met Brendan through an online video game, Runescape, which we played for numerous years together. Brendan, along with various friends, and myself have communicated through various Voice-Over-IP softwares such as Skype or TeamSpeak for the aforementioned nine years. In this time, I have gotten to know Brendan and his online persona, BVI, well enough to know that he is a good-natured and a congenial individual. Of course, I will not make light of his wrongful actions; however, I firmly believe the origin of these actions were a result of peer pressure from the people Brendan was surrounded by, rather than his own selfishness.

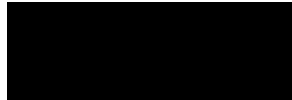
Brendan has multiple character traits that I greatly admire and for which I consider him my friend. Most notably, I believe Brendan's charitably should be mentioned. Specifically, Brendan is always aiming to please those around him. He very much cares about his friends' and acquaintances' opinions. I have witnessed Brendan spending six or seven hours helping various individuals with schoolwork, advancement in a video game, or other miscellaneous tasks for no other reason than to ensure that his friends were able to access equal content as himself. He is very passionate in whatever he does. I specifically remember Brendan working up the ranks to an administrator of a large gaming community for Runescape, where numerous people collaborate d their ideas, knowhow, and game secrets with each other. People were always pleased with the way Brendan administered this website and quite frequently followed him from project to project. He always looked out for people's best interests, which is unfortunately, why I believe he is in this scenario today.

Sincerely,



Steven King

Teresa Chen



Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Dear Honorable Jesse M. Furman,

My name is Teresa Chen and I am a friend of Brendan Johnston. To briefly introduce myself—I graduated from the University of California, Santa Cruz with a Bachelor of Science in Marine Biology in 2011. My professional goal is to become a Physician Assistant and for the past 3 years, I have been working full-time and volunteering in the medical field so that I may become a more competitive applicant for PA programs. I am currently in the application process and awaiting responses.

I met Brendan Johnston shortly after I graduated and moved back to Southern California through my boyfriend, Christopher McMorrow, who has been close friends with Brendan since grade school. Personally, I am a shy individual who does not easily open up to strangers; however, Brendan is one of few people with whom I was immediately comfortable talking to. In the 2 ½ years since we've met, we have shared many weekends on strenuous hikes, at music festivals, and out on late night crabbing trips. I have come to know Brendan as someone who is a thoughtful and intelligent individual.

Brendan's profound interest in the technological field is an obvious passion and his knowledge in this discipline is breathtaking to say the least. Several times I have gone to him distressed about my computer issues, but in his usual calm manner, he always reassured me that my information and files were safe as he patiently worked to resolve any problems that arose. As banal and time consuming as it may have been for Brendan to fix my computer, that is Brendan—someone who responds immediately to a friend and does what he can to help. He would never accept any repayment I offered him despite all of the times he has gone out of his way to help me. Brendan's involvement in Blackshades is unfortunate, but I know it was not with ill-intentions or avarice. He simply found something he was good at.

Sincerely,

A handwritten signature in black ink, appearing to be 'TC' or similar initials.

Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Honorable Jesse M. Furman:

My name is Kasey Hudgins and I have worked as a hairstylist for the past 4 years and a part time waitress at a local restaurant for 6 years. This last year I've been on disability due to complications from a bunion surgery. During this time I've been back and forth to many different podiatrists and orthopedic surgeons trying to fix my foot. I've spent some of my free time helping my brother in high school, with his homework, and raising my niece, with her single father. Though this past year has been difficult, I have turned to a few close friends for help, who haven't let me down. I am writing this letter in support of one of my best friends, Brendan Johnston. I met Brendan through my boyfriend, Cole, and you can always find the three of us together.

I have known Brendan for three years now and he has always been there for me when my times were tough. He was willing to accommodate me when I needed help getting places, due to my lack of driving. Not many friends would come visit and be supportive, but Brendan was always there with a smile. He is one of the shyest people I've ever met, but has the biggest heart. A favorite artist of mine was playing a show that I simply knew I couldn't go to, because it was difficult being handicap. Brendan went out of his way to surprise me with a ticket for my birthday and drove me out there regardless of my wheelchair. He pushed me around and made sure I had an amazing time. I've always been self-conscious about my wheelchair and hated being confined to one spot, but Brendan made me forget about all that.

It was shocking news to read in the paper about Brendan's "malicious" intent selling BlackShades. I had to re-read his name ten times to make sure they had the right person. As far as I know, when Brendan found out the damage of what this program could do, he couldn't get out fast enough. I would never see his character selling something that he knows could affect someone so much. He's a soft spoken person who once you get to know, would be in disbelief of what is happening to him right now.

Kasey Hudgins



Melissa Wallace



Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Honorable Jesse M. Furman

My name is Melissa Wallace and I am writing this letter for your review and consideration prior to the sentencing of my younger cousin, Brendan Johnston. I am self employed and co-own the firm Good Carma Studio, which specializes in creative marketing campaigns and celebrity integration. I have three children (Reese-13, Cooper-11, and Gavin-10). I am extremely active within my community and charity work within the oncology ward of Children's Hospital in Los Angeles.

Brendan's mother, Renee, is like a sister to me with only 6 years separating us. I have watched Brendan grow up and mature into the fine young man he is today. As a boy, Brendan was adorable, on the quiet side, considerate, very cautious, and always wanting to please others. As time passed Brendan still maintained this similar demeanor but tended to lack the confidence that naturally comes with age. I sincerely believe that Brendan would never have intentionally involved himself in any questionable or remotely deceitful situation. When I try to rewind this entire situation and attempt to make sense of how things have gotten to this point, I sincerely believe that it was Brendan's lack of confidence and naiveté that landed him here.

The most important things I can convey to you are that Brendan is kind. He is thoughtful. He is 6'4 and one of the gentlest souls you will ever meet. He does not have a malicious, greedy bone in his body. He's just not capable of it. His parents, Renee and Chris Johnston, are amazing people. They are some of the most involved, generous and lovely people you would ever hope to meet. I can promise the apple (Brendan) has not fallen far from the tree. I know that Brendan has learned a lot from this experience. I just hope that you will take all of this into account along with all of the other letters you have received and give Brendan the mildest sentence possible. He was taken advantage of by his horrendous employers that clearly knew exactly what they were doing. It is clear to us that Brendan did not know the severity of the situation he had gotten himself into. He extracted himself as quickly as he thought he could. Unfortunately, Brendan was young and scared but once he realized it was wrong, he stopped. Believe me, the lesson has been learned. I would much rather see Brendan use what he has learned from this lesson for good, then to

be given a severe punishment that could potentially leave him jaded and broken, spending the later part of his twenties in prison.

Sincerely,

A handwritten signature in blue ink that reads "Melissa Wallace". The signature is written in a cursive, flowing style.

Melissa Wallace

John Brauer



Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United State Courthouse
40 Foley Square
New York, Ny 10007

Re: Brendan Johnston

Honorable Jesse M. Furman:

I am writing this letter in support of my good friend, Brendan Johnston. My name is John Brauer and I am currently a college student at Santa Rosa Junior College and work part time as a security guard.

I met Brendan in high school through a mutual friend and we've stayed friends for the past 6 years. We got along well despite our age gap as we were both a bit shy and shared the same interests in music and vinyl records. While I've known Brendan for only 6 years, I've known his family for over 15. His cousin, Shannon Alexander, was the second grade teacher for me and both of my siblings. Shannon also graciously wrote letters of recommendation on behalf of my sister for high school as well as college and remains a close friend. Ive known his family to be nothing but kind, warmhearted and always willing to help others.

The ultimate anecdote I can recall that truly reflects Brendan's character occurred on the 101 freeway during rush hour traffic. As Brendan drove us home from lunch we approached a lane of merging traffic, about 5 cars ahead of us we saw a sedan collide with a big rig 18 wheeler. The sedan spun wildly into the shoulder and retaining wall causing serious damage. Instantly Brendan pulled our car over and ran over to the damaged car to ensure everyone was ok. It was an incredible display of courage and compassion.

From all my time spent with Brendan, I've come to know him as a loyal, humble, respectful, selfless and altruistic person. Never have I considered him a conniving, boisterous, arrogant, money-hungry, or hurtful person. In fact the polar opposite couldn't be more true of Brendan and his family. I know for a fact Brendan's family and friends will see him through whatever may come for him because he has such a large and positive impact on our lives.

Sincerely,



John Brauer

Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Honorable Jesse M. Furman:

I'm writing this letter in support of Brendan Johnston. I work for the Conejo Recreation and Park District at the Thousand Oaks Teen Center and I have worked there since September 2007. Brendan and I have been friends since we were in elementary school. We grew up in the same neighborhood so carpooled to school and would play at each others houses.

The first thing most people notice about Brendan is his inherent shyness. I occasionally see this same level of shyness in kids at my job and one thing I've noticed is that kids with that characteristic are very impressionable and susceptible to being misled much more easily than others. They are used to keeping to themselves and I feel that they do this because they are afraid to upset anyone and when given the option to do something, even if it might be against the rules, they feel obligated to do it because they are afraid of upsetting anyone by saying "no". I feel very strongly that Brendan is a good person, but was pressured into making poor decisions and that he bowed to the pressure that was placed on him. Knowing Brendan for as long and as well as I do I can say without a shadow of a doubt that Brendan would never orchestrate anything of this manor and that his involvement was strictly because of his need to be liked.

I remember sitting at the table across from Brendan in our 3rd grade class. He was always very quiet in class and would do what he was asked. I was fairly talkative and would talk to Brendan during class. I remember Brendan was almost physically uncomfortable by talking to me when we weren't supposed to be, but he didn't want to be rude and ignore me so he would reluctantly respond. Occasionally the teacher would ask us to stop and we would but I could see that Brendan would get red with embarrassment for upsetting the teacher and that he clearly did not like to, but that he also wasn't going to offend his friend by ignoring him. This was a double edged sword to him, there was nothing he could do in his mind to keep us both happy, although in reality if he had just told me he didn't want to talk during class I would have understood. Brendan assumed that if he didn't talk with me during class that I wouldn't want to be friends anymore, that's just how fragile his self-esteem was and presumably still is. I don't think Brendan has changed much since we were kids, I believe that he is still the same person inside who thinks that saying "no" and risking someone not liking him will have earth shattering consequences. He is definitely not what he has been made out to be by his actions, he is a good friend, and a good person.

Respectfully yours,
Robert Williams



Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United State Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Dear Honorable Jesse M. Furman,

My name is Derek Ring and I've had a relationship with Brendan since 2004. I am currently a graduate student at the University of California at San Diego (UCSD) completing my Master's Degree in Structural Engineering. Before moving to San Diego in 2010 to attend UCSD for my undergraduate education, I attended Los Cerritos Middle School and Westlake High School in the Ventura County School District. I developed a relationship with Brendan during my time at Los Cerritos Middle School and Westlake High School.

Brendan and I could be described as close friends in 2005 during middle school. He was always someone I felt as if I could trust even from an early age. We maintained a strong relationship through the rest of middle school and throughout our high school years. From early on he established trustworthy and dependable character, one that I could count on in times of need. Whether it was waking up early on a weekend to help with my car problems, or helping me clean the puke off my clothes after a mishap at the county fair, his loyalty as a friend was unquestionable in our youth.

Once Brendan and I parted to attend separate colleges, our relationship naturally distanced and our communication became lesser and lesser. Needless to say, I was stunned when I heard of his recent trouble with the law and the severity of the situation. Before this incident, I could confidently declare Brendan as an average young adult of good intentions; there weren't any instances to my knowledge of Brendan consciously dismissing the common good of others to serve his own selfish benefit.

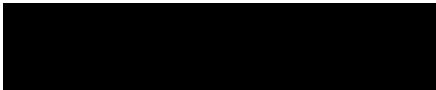
Brendan's ability to be trustworthy also lends to a person who is, at times, unreasonably trusting toward others. He often seems to follow the direction of others due to his trusting personality, and perhaps fails to have a full knowledge of a situation or endeavor before diving into it. To my understanding of the incident, he found himself with a bad group of people and was recruited to an illegal organization. While it's clear the crime that was committed was unquestionably a massive breach in the law, Brendan's crime is that he is trusting in others to a fault and fails to inform himself of vital information. The Brendan that I knew is not one to pursue harmful behaviors and actions to intentionally affect anyone. I have the upmost confidence in Brendan to regain his status as a standup member of society if given the chance to adjust how much trust he allots to certain people.

I would like to thank you for taking the time to read my letter on Brendan's character, as well as all the other letters that attest to Brendan's character. I hope you have found them to be both helpful and genuine. If there is anything I can further assist with, please do not hesitate to ask. I will leave my cell phone number and email address below in the event that you would like to contact me.

Best Regards,

A handwritten signature in dark ink, appearing to read 'D. Ring', with a stylized flourish at the end.

Derek Ring
B.S. Structural Engineering
Engineer-In-Training Certified



Christopher McMorrow



Honorable Jesse M. Furman

United States District Judge

Thurgood Marshall

United States Courthouse

40 Foley Square

New York, NY 10007

Re: Brendan Johnston

Honorable Jesse M. Furman:

I am writing you on behalf of my friend, Brendan Johnston, whom you will soon sentence for his involvement with Blackshades. My name is Christopher McMorrow. I work for an electrical contractor in Thousand Oaks, California, and I have known Brendan since elementary school. I have played on little league baseball teams with him, done several school projects with him, volunteered at the Ventura County Fire Department with him, and I have considered him a good friend for as long as I have known him. I am writing this letter with hope that you have a better understanding of his character once you review his case. I ask that you please be lenient when you sentence my friend because I know that if you knew him personally, you would understand that his actions were not malicious or greed-oriented. He made an unfortunate mistake and got involved with the wrong people.

Brendan is quiet, although he is not as shy as many people tend to think. But believe me when I say that I have never seen Brendan act cocky in the nearly twenty years we have been friends. For whatever reason I am reminded of a night in high school when a group of maybe 7

or 8 of us were eating inside of a Jack in the Box. A kid about our age was eating across the restaurant with a couple of his friends. He stood up and began yelling at Brendan, "Do you have a staring problem?" He repeated himself two or three times. I remember being a little confused as a couple of our friends stood up, ready to defend him, and I watched Brendan shrug his shoulders, still seated, and ignore it. The kid then said, "That's what I thought," and sat back down, satisfied. Brendan was the only person in our group that didn't seem bothered by the situation. He never took it personally that some cocky kid singled him out, nor did he want his friends (who outnumbered the other kid's friends) to do anything about it. It is not in Brendan's nature to retaliate, much less be confrontational in the first place.

Brendan has always been obsessed with computers. I have never known anyone who has played more video games or spent more time on a computer. It was often hard to get him to leave his keyboard, even just to go to the beach for a couple of hours with friends. It seems to me that when the opportunity came for Brendan to work for Blackshades, he took it without understanding what he was getting himself into. He just saw a job opportunity where he could stay in his comfort zone in front of his monitor. Obviously, he made a mistake by getting involved with the people who started Blackshades. I just hope you understand that he is not a greedy or malicious person. If I thought otherwise, I would never have taken the time to write you on his behalf.

Sincerely,

A handwritten signature in black ink, appearing to read "C. McMorrow", with a long horizontal flourish extending to the right.

Christopher McMorrow

My name is Brent Nuñez.

I am a Gallery Manager at Haines Gallery in San Francisco, CA.

I met Brendan at Honey Tree pre-school when I was three years old.

Brendan was the first friend I ever made. Although I cannot vividly remember meeting Brendan there are flashes of memory and fragments of our encounter that still remain with me—I think I can still picture the jungle gym where we first met, and I'm almost certain what sparked our conversation was that I told him he had the same name as my older brother.

Brendan and I grew up together. We followed each other from school to school, and the stories are truly endless. I can remember when he got Mac—a big lug of an Australian Shepard—who would chase us around Chris's (Brendan's dad) pickup truck. I can remember the sports teams we were on as kids—the Buffalo Bills and the Vikings in flag football, and the Yankees in baseball. I can remember the adventurous trips we took together—Disney Land, Shaver Lake, Mammoth Mountain, again another endless list. Brendan was and is a generous friend. Growing up we always challenged each other; playing basketball, playing football, capture the flag, video games, whatever it was he really gave me confidence I felt as though he believed in me and that we could do anything we put our minds to. In our adolescence nothing changed. I mean sure we changed, but our friendship was just as strong. Puberty is awkward and strange especially

with two older brothers constantly harassing you, but Brendan kept me grounded. In high-school Brendan and I hung out with the same group of friends and in fact car-pooled everyday together. Are friendship matured and in our college years is where we find a story that reflects on the type of friend Brendan is.

This girl that I was dating at the time talked me into going to a Halloween party in Santa Barbara. Now I knew that Santa Barbara was a party town because of the University, but at this point in time I simply could not fathom what happens to Santa Barbara on Halloween. All the streets are littered with drunk college kids going from one party to the next. My girlfriend's two friends drove us and we managed to stay with them for about an hour or so. We got split up and spent the rest of the night trying to find her friends (our ride home). We wandered the streets and went into different parties, constantly trying to call her friends whose phones were immediately going to voicemail. It was around 2:30am when we were tired, fed up, and lost. I called Brendan. He answered and I could tell by the sound of his voice I had woken him up. I explained our situation and without skipping a beat Brendan told me to relax, and that he'd come pick us up. An important bit of information is that Santa Barbara is approximately 1 hour and 15 minutes away from Thousand Oaks. The streets were still full of college kids when I noticed Brendan in his jeep cautiously patrolling for us. We got in his car and people began to yell at us, they hit his car, and through trash at it. I remember looking at Brendan and with a calm demeanor he shook his head and

simply said, "let's get out of here." We dropped off my girlfriend who had fallen asleep on the drive home, and then Brendan dropped me off at my house. I always told Brendan I'd return the favor, but honestly I never had to, and he never held it over my head. I truly believe that Brendan's actions were unintentional. Spending such a significant amount of time with Brendan I know that he's good to the core. Since I've known him he's proven time and time again to be generous, loyal, and kind.

Recently Brendan's support and interest in what I'm doing has been extremely important and motivating, I still bounce project ideas off of him. We stay in touch and we always make an effort to see each other when we're in the same town. It's a precious thing the way our families grew extremely close, and Brendan and I were the ones who brought us all together. We were the glue, the Johnston's are family and Brendan is my brother. I would not be who I am today without him.

Kind regards,


Brent Nuñez

March 10, 2015

Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Honorable Jesse M. Furman:

My name is Courtney Maguire and I am a cousin of Brendan Johnston. I have been married to Neal Maguire for 13 years and I am a stay at home mother of three. I have always been very close to Brendan and his parents. Throughout my junior high and high school years, I spent quite a lot of time with Brendan and his family since they lived down the street from my school, which was thirty minutes away from my home. During this time, I was at their house at least three days a week and often overnight.

Ever since he was a young boy Brendan has been sweet and kind and thoughtful towards others. When I remember Brendan as a child I remember a happy, playful, and joyful young boy who always showed love towards and respect for his family and was enthusiastic to help others when the opportunity arose. These characteristics did not diminish as he grew older. Throughout his high school and college years he always remained one that I knew I could call on if I ever needed help of any kind, whether it was to help move our grandmother into a retirement home, assist with a project at my house, or simply help me with Christmas decorations. Brendan has always said, "I will be right there."

I have never heard Brendan speak ill of another person or act in anything less than a respectable way towards others. He loves his family and cares deeply about their well-being. The Brendan that I know would never knowingly hurt anyone or act malicious in any way. It is simply not in his personality.

From a young age Brendan was very shy. He was soft spoken and very considerate of others, but he also struggled to come out of his shell. Brendan wanted to be a part of extra-curricular activities; however, he was so painfully shy that it was always difficult for him to do so. His parents encouraged him and were always active and supportive of any sport he wanted to try, but his inability to come out of his shell prevented him from truly enjoying the experience. Brendan has also always been very sensitive. This made it difficult for him to speak up for himself in group settings and therefore I believe led him to avoid them when possible.

As Brendan got older his tendency to be reserved and quiet seemed to grow as well. At times it seemed that his shyness had become a complete roadblock that made it difficult for him to tackle some pivotal challenges that a college-aged young man should go through. Again, though the Brendan I know would not partake in something that could possibly lead others to harm.

It is my hope, your Honor, that you will take into consideration the view of Brendan held by his loved ones, when making your determination. I truly believe that Brendan, with the love and strength of his family behind him, will be able to continue his education and start a new path for himself.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Courtney Maguire".

Courtney Maguire

A handwritten signature in cursive script, appearing to read "Neal Maguire".

Neal Maguire

To the Honorable Jesse M. Furman,

My name is Taylor McMorrow. I am a recent college graduate currently interning as a writer and editor for an entrepreneurial magazine in Chicago. I've known Brendan since I was a 10 year-old kid and he would come over to hang out with my older brother and his group of friends.

I would greatly appreciate if you thoroughly think over the contents of this and other letters before making your sentencing decision. As much as Brendan has been my brother's friend, he has been mine. His kindness towards me was an unexpected bewilderment in my younger days. While now I know it purely comes from having a compassionate heart and thoughtful brain, when I was younger—and my brothers friends constantly teased and harassed me—Brendan regularly defending my young, fragile ego was a consistent surprise that I am still grateful for.

It's impossible to put into words how surprised I was upon learning the trouble Brendan had gotten himself into. I've often thought about how he found himself in such a position and what lead him there. Ultimately, I don't know. I can however say that I know it is not the result of greed, cynicism, or acrimony. As long as I've known Brendan, he's been a caring individual willing to share his time and possessions to help others. The only attribute of Brendan's I can see leading him down such a path is loyalty. I don't know who got Brendan involved in the business he was, but I can only assume they had helped him in some previous way. Brendan does not take such things for granted, and readily assists those who have done him a kindness.

In my opinion—along with anybody whom knows him well—Brendan is not an individual worthy of time in a federal penitentiary. However, it is only your opinion that is important now. Please keep in mind when you make your decision that Brendan is a kind, caring individual who has already thoroughly learned from and suffered for the mistake he has made. Taking Brendan away from his family, friends, education, and community would be a false interpretation of justice.

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor McMorrow". The signature is fluid and cursive, with the first name "Taylor" written in a larger, more prominent script than the last name "McMorrow".

Paul and Anita Bjorklund



February 17, 2015

Honorable Jesse M Furman
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Honorable Jesse M Furman:

I am the aunt of Brendan Johnston and he is the son of my youngest sister Renee. My husband Paul and I have been quite saddened by the recent events surrounding my nephew Brendan. We remember him as a beautiful red haired baby boy and we have watched him grow into a very intelligent, nice, and handsome young man.

Brendan was always painfully shy, quiet, and soft spoken and he has always been affectionate and respectful to those around him. I have never heard him utter an unkind word.

A few years back he came to Flagstaff and stayed with my husband and me while he waited for his Condo to be ready as he was going to attend Northern Arizona University. It did not work out here in Arizona as his shyness made it difficult for him to make new friends and he missed his family and longtime school friends and thus became very lonely. It was nice to have him stay with us he was very tidy, and helpful. He was generous in offering his assistance, he played with our little dogs and always seemed positive and happy ... though as I said lonely for his family.

I have never known Brendan to be malicious or unkind and it is not possible for us to even imagine that he could intentionally have done harm to others. Like many young people he had been unwittingly led astray by youthful gullibility. In this fast world of Internet and media our children are not well protected from predators and this is the larger problem being addressed around the world. I see Brendan as a victim, just as that malicious program was making victims of others.

We hope you can give Brendan some consideration since he has never been a problem, or caused problems for others and certainly did not realize what this product was meant to do. It would be a terrible shame for him to have to start his life with such a stain on his record as time in a Federal prison.

We hope you are able to and will show our nephew judicial mercy.

A handwritten signature in dark ink, appearing to be "Anita Bjorklund" and "Paul Bjorklund" written together.
Anita Bjorklund, Paul Bjorklund

"Beware how you take away hope from another human being." Oliver Wendell Holmes, Jr.

Honorable Jesse M. Furman
 United States District Judge
 Thurgood Marshall
 United State Courthouse

My name is Alicia Nung. I am a mother, wife and registered nurse.

I am writing on the behalf of Brenden Johnston. I have known him since he was 3 years old. He was in pre-school with my third son, Brent.

It was the beginning of a great friendship, between our sons, their younger sisters (Noelle and Paige) and our families.

Our families had a lot in common. Our husbands were firemen, we were stay-at-home moms. Our kids went to the same schools, sports.

This lead to vacationing, camping, hanging at the beach, dinners together and a long talk.

I saw Brenden grow from a quiet, shy toddler to a quiet, shy young man.

Even though Brenden was quiet if I ran into him at the store he would come up to me and say hello and give me a hug and "catch me up".

Brenden was always kind to my daughter, Noelle. He didn't mind including the younger sister in any activity.

Brenden was gifted with computers. He would help anyone and everyone.

I witnessed this young man's life. I never saw any malicious or devious events.

I have two older sons, and I have had to deal with their friends as well. And I saw him that were bad influences and had to cut the friendships.

I never had to worry about Brendan..

I just wish I could convey to you that Brendan couldn't have done anything of this nature intentionally. And that this is a terrible, tragic event in a young man's life!

As I re-read this letter, it sounds scattered and desperate...

Please I know you hold Brendon's future in your hands and I pray that God will intervene on Brendan's behalf and you would have mercy.

Thank you for taking time to read my letter...

Sincerely,
Alicia Nunez

Shannon Alexander



Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Honorable Jesse M. Furman:

I am writing this letter in support of my younger cousin, Brendan Johnston. I have been a primary school teacher for 16 years at Lang Ranch Elementary in Thousand Oaks, CA. I have been married to Shane Alexander for 13 years and we have a 9 year old daughter, Evalyn. I coach AYSO soccer, assist a Girl Scout troop, and volunteer at Shelter Hope Animal Shelter with my little girl.

Brendan is the oldest child of my mother's youngest sister, Renee, whom I am close in age to. I spent a great deal of time with both Brendan and his family as I finished high school, college, and grad school. In fact, I often chose Brendan as my subject for school projects and observed him in his school setting. Both of Brendan's parents, Chris and Renee, have been very involved in their children's lives at school and their extra-curricular activities. The family has a strong support system, both within themselves and the community. They are hardworking and have always been admired for their kindness and willingness to help others.

When I think of Brendan I can't help but smile. As a little boy he was full of energy, joy, and imagination but terribly shy. As a student, he was respectful, quiet, and always did as he was told. He had a small group of close-knit friends. He was extremely sensitive and considerate of others. I often spoke with his mother about her concerns for Brendan: the same qualities that made him such a sweet, special child were concerning when he was faced with stronger, more aggressive personalities at school. Brendan didn't stick up for himself. It wasn't in his ability to stand up to others or be confrontational in any way.

As a teenager and young adult, I can honestly say that Brendan has not changed all that much. Even at family gatherings, he is still too shy to speak up in a group, but prefers to catch individuals for one-on-one talks. He is adored by every one of his younger cousins and treats each with such kindness and gentleness. Just as he was as a child, Brendan has not gained the self-confidence to speak up for himself (such as when any of the uncles give him a hard time). Brendan has always been a sweet, kind-hearted person but so painfully shy that most never get a chance to know him.

As someone who has watched hundreds of children grow into adults, I believe Brendan's history of following the rules, simply doing what he was told to do, and lack of self-confidence has landed him in this terrible position. And, let's be honest, stupid naivety seems to have played a huge role as well. I see a gullible young man who did not have the social skills or awareness he needed to deal with the criminals in charge. But there is not a malicious or devious bone in Brendan's body. I know that Brendan is working hard to continue his education, as it has always been very important to both him and his family. I am proud of him for working towards completing his degree as he struggles through his social anxieties. Brendan is an extremely sensitive, kindhearted young man who I truly believe will have a strong future serving his community and family. Please consider leniency for him. We love and adore our sweet Brendan.

Sincerely,



Shannon Alexander

Susan L. Bertoty

5 March 2015



Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY. 10007

Re: Brendan Johnston

Dear Honorable Jesse M. Furman:

My name is Susan L. Bertoty. I have been employed with State Farm Insurance as an auto underwriter for more than 40 years.

I am writing to plead for leniency for my nephew, Brendan Johnston.

Brendan's mother is my sister, and I have known Brendan all of his life. I can assure you that what occurred is not indicative of his character.

I have two sons of my own and our families spent a great deal of time with each other while they were growing up. My youngest son, Scott, played with Brendan after school until I could pick him up after work. Brendan was always so polite and obedient and always eager to please everyone. He has always been somewhat shy, but he took on and remained involved in a variety of sports and was very well liked by all.

I am convinced that Brendan possesses the desire and determination to learn from his error in judgment and move in a positive direction with his life. He has committed family support with all of us. I love Brendan as does our entire family and his friends. He is genuinely a kind and gentle person and I can only hope that Brendan's true nature and the strength of his character will be taken into consideration when you make your final decision.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Bertoty".

Susan L. Bertoty

Laurie McMorrow



Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United State Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Your Honor,

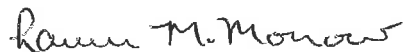
My name is Laurie McMorrow, I am writing this letter in reference to Brendan Johnston, who is appearing before your court for sentencing. When my kids were growing up I was a stay at home mom. Now, I work part time for a neighbor as an administrative assistant.

I have known Brendan for 18 years, since he was in elementary school. He is friends with, and the same age as my middle child and as they have grown up, he has become a good friend to my younger son and oldest daughter as well.

Brendan has gone on family vacations with us. He is always a welcome guest in my home, with or without any of my kids being there. Brendan is one of the most nonviolent people I have ever met. He is not malicious or conniving. He is a very shy, decent person.

Brendan made a mistake and he is very remorseful. Please recognize the power you have on his future and be fair.

Thank you,



Laurie McMorrow

Donna Paci



February 26, 2015

Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Dear Honorable Furman:

I am writing on behalf of Brendan Johnston, convicted of security crimes according to the Department of Homeland Security.

As his father's aunt, I have known Brendan since his birth. Although I reside in Florida and New York, I have spent time with Brendan yearly with visits to California, and his visits to New York and Florida. I am currently a retired New York State teacher with 34 years experience.

Brendan has always been a shy, reserved child and young man. I recall his love for legos as a child and the pride he took in constructing things. Although he rarely initiated conversation, he was always able to engage with me when I approached him. In no way did he display malicious intent or anger in those conversations. When the topic of conversation included areas of interest to him, (baseball, lacrosse, surfing as a boy and cars, educational television programs and computers as a young man) he became quite animated and provided valuable insight to me.

Brendan has offered his help around the house to my divorced sister, his grandmother, when needed. He is sensitive and kind, offering help to his grandmother in the care of our mother. He is a loving brother and son. He enjoys family gatherings. On my visits he did not shy from gatherings as often occurs with teenagers. He made me feel important in his life.

I don't recall Brendan ever before in a situation that involved illegal issues. He has been reserved to a fault – seeking employment on web sites, rather than seeking a position outside the home. He was unsuccessful in his attempt to live away from home his freshman year in college. When he returned home he needed prodding from his parents to continue his education and to get a job. [REDACTED]

[REDACTED] He was embarrassed and unsure of his goals in life. His father, in particular, was a self made man. [REDACTED]

[REDACTED] They encouraged him to join the fire department and continue his education. With encouragement from his peers and his own mother, he continued his education, receiving a college degree while working full time. To this day he continues his education trying to provide his family with the best life possible and to improve his lot in life. Brendan is a bit intimidated by his dad's ambitious nature. However, he never doubted his father's good intentions and love for him. Brendan's mom tended to be soft on him, helping him put off sharing his problems with her husband. This often led to a crisis, as is often the case, when one hears of troubles after the fact and not being able to offer guidance along the way. Her intentions were not malicious, just misguided.

It is unfortunate that once discovered, Brendan did not share the details of the malicious nature of the company that employed him. It was devastating to him to have to leave a position that had finally provided him with an income and a degree of success in the job market. Leaving the employment was the right decision, but his nature to hide his failures kept him from sharing what he'd learned about the company. His employment did provide motivation for Brendan to return to college seriously studying computer technology. It helped him form a bond with friends who had similar ambitions.

Brendan regrets his actions and understands his error in judgment. He accepts the responsibility for the mistake he has made. It is unfortunate that the penalty for his crime is incarceration. I doubt that the experience will benefit him any way. In order to grow and learn from this experience, Brendan will continue to need considerable counseling and guidance from a positive source. He needs to learn to believe in

himself and accept help from well-intentioned sources. I seriously doubt that he is a future threat to society.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Donna Paci".

Donna Paci

Honorable Jesse M. Furman
United States District Judge
Thurgood Marshall
United State Courthouse
40 Foley Square
New York, NY 10007

Re: Brendan Johnston

Honorable Judge Furman,

My fiancé and I have known Mr. Johnston for a combination of 7 years. He is a close family friend and it seems as if he has and will, always be a part of our lives.

My work affords me the opportunity to interact with the public and a variety of different people. As a flight attendant, I find at times, I am put into situations where I have to assess peoples' characters as a matter of public safety. A wrong judgement call about potential threats is something that could lead to disaster. My first judgement of Brendan's character continues to be as accurate as ever: very soft spoken and easy going. My personal recollection of Brendan over the course of many years is of an individual who is honest, caring and considerate.

Just one of many times Brendan's character content stood out comes to mind is when I was first getting to know Brendan. I realized that we both liked the same kind of music. I enthusiastically began talking about my favorite artist. Brendan mentioned a few works that my favorite vocalist had done, and since I was unfamiliar with the work, I insisted that it must be a different artist he was thinking of, because I was sure that I knew everything by the aforementioned musician. Instead of correcting me, he let me continue on about my love for music of that genre. Some weeks later Brendan shared some music with me, in which he included the work of the musician I mentioned before, with the work I was sure wasn't his. It's in this graceful way that Brendan opened up my perspective without taking away my enthusiasm. I found he is consistently considerate of the feelings of people who are around him. He is an asset to any community.

Brendan is one of the most kind and sincere people I've met. I don't believe he would ever intentionally hurt anyone. It is his selflessness and willingness to put his friends interests before his own that creates a dangerous combination.

I am currently 8 months pregnant, my due date is May 12, if I could appear in court to attest to Brendan's character I wouldn't hesitate. I hope that I can instill the same humble characteristics I've seen Brendan display over time into my son. He is an invaluable friend, and losing him as an interactive part of my family would be heartbreaking. I implore you to exercise leniency, because Brendan is so important to my family, and I'm sure, many people whose lives he's touched

Sincerely,



Michelle Trujillo

